

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

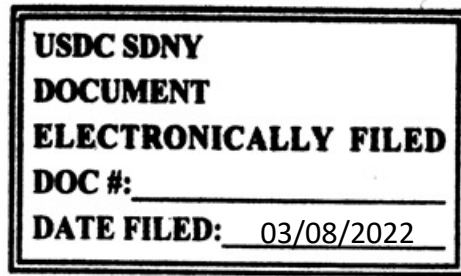
Denys Nikonov,

Plaintiff,

-against-

Flirt NY, Inc., et al.,

Defendants.



1:19-cv-07128 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference with the parties today, it is hereby ORDERED, as follows:

1. With respect to Defendants' motion for summary judgment seeking to dismiss Plaintiff's claims under the Fair Labor Standards Act and to have the Court decline to exercise supplemental jurisdiction over the remaining state law claims:
 - a. No later than March 15, 2022, Defendants shall file their motion, including a Local Civil Rule 56.1 Statement. No later than March 22, 2022, Plaintiff shall file his opposition to Defendants' motion, including a responsive Local Civil Rule 56.1 Statement. No later than March 25, 2022, Defendants may file a reply memorandum.
 - b. The parties' motion papers shall specifically address whether the Court may, consistent with 28 U.S.C. § 1367(a), exercise supplemental jurisdiction over Plaintiff's claims under the New York State Human Rights Law ("NYSHRL") and New York City Human Rights Law ("NYCHRL"). *See Shibetti v. Z Rest., Diner &*

Lounge, Inc., 478 F. Supp. 3d 403, 408 (E.D.N.Y. 2020) (finding that Court lacked supplemental jurisdiction over NYSHRL and NYCHRL claims).

2. With respect to the portions of the papers associated with Plaintiff's prior counsel's motion to withdraw that relate to one of the witnesses identified on page 19 of the Joint Pretrial Order (the "Subject Portions"):

- a. No later than March 15, 2022, Plaintiff shall show cause in writing why the Subject Portions should not be unsealed. No later than March 22, 2022, any responsive papers shall be filed by Defendants.
- b. Plaintiff's written submission shall address whether Plaintiff is asserting any privilege or other protection with respect to the Subject Portions, as well as whether the crime-fraud exception applies, and also shall address whether, if any privilege or protection applies, Plaintiff should be required to waive such privilege or protection, if he wishes to continue to prosecute his claims, in order to preserve the integrity of the adjudicative process. *See* New York Rule of Professional Conduct 3.3(b) and Comment 12 thereto. In addition, Plaintiff shall confirm whether he agrees to waive any privilege or protection associated with the Subject Portions.

SO ORDERED.

Dated: New York, New York
March 8, 2022



STEWART D. AARON
United States Magistrate Judge